

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW  
JERSEY**

**IN RE: JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**SHAWN CLARK,**

Plaintiff,

-VS-

**JOHNSON & JOHNSON; JOHNSON  
& JOHNSON CONSUMER, INC.**

**MDL No. 2738 (FLW) (LHG)  
JUDGE FREDA L. WOLFSON  
MAG. JUDGE LOUIS H. GOODMAN**

**COMPLAINT AND JURY DEMAND**

**CIVIL ACTION No. 3:21-cv-9027**

**DIRECT FILE ACTION**

**SHORT FORM COMPLAINT  
AND JURY DEMAND**

The Plaintiff named below files this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff files this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff shall add and include them herein.

**IDENTIFICATION OF PARTIES**

**Identification of Plaintiff**

1. Name of individual injured due to the use of talcum powder products:  
  
Shawn Clark.
2. At the time of the filing of the specific case, Plaintiff is a citizen of  
  
Lawrence County in Lawrenceburg, TN.
3. Consortium Claim: The following individual allege damages for loss of  
  
consortium:
4. Survival and/or Wrongful Death Claims: n/a  
  
Name and residence of Decedent Plaintiff when she suffered the talcum  
  
powder product(s) related death: n/a
5. Plaintiff was born on 02/09/1957.
6. Plaintiff is filing this case on behalf of herself.
7. As a result of using talcum powder products, Plaintiff suffered personal and  
  
economic injuries that are alleged to have been caused by the use of the  
  
products identified in Paragraph 16 below, but not limited to, the following:

\_\_\_\_\_X\_\_\_\_\_injury to herself

\_\_\_\_\_X\_\_\_\_\_injury to the person represented

\_\_\_\_\_wrongful death

\_\_\_\_\_survivorship action

\_\_\_\_\_X\_\_\_\_\_economic loss

\_\_\_\_\_X\_\_\_\_\_loss of services

\_\_\_\_\_loss of consortium

\_\_\_\_\_other: \_\_\_\_\_

**Identification of Defendants**

8. Plaintiff is suing the following Defendant(s) (please check all that apply) <sup>1</sup>:

  X   Johnson & Johnson

  X   Johnson & Johnson Consumer Inc.

\_\_\_\_\_Imerys Talc America, Inc. (“Imerys Talc”)

\_\_\_\_\_Personal Care Products Council (“PCPC”)

**Additional Defendants:**

\_\_\_\_\_Other(s) Defendant(s) (please specify): \_\_\_\_\_

**JURISDICTION & VENUE**

**Jurisdiction:**

9. Jurisdiction in this Short Form Complaint is based on:

  X   Diversity of Citizenship

\_\_\_\_\_Other (The basis of any additional ground for jurisdiction

must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure).

**Venue:**

10. District Court(s) and Division (if any) in which venue was proper where you

---

<sup>1</sup> If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*

might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: M.D. Tenn.

**CASE SPECIFIC FACTS**

11. Plaintiffs currently resides in Lawrenceburg, TN.
12. At the time of the Plaintiff's diagnosis with a talcum powder products injury, Plaintiff resided in Philadelphia, Lawrenceburg, TN.
13. The Plaintiff was diagnosed with a talcum powder products injury in: Nashville, TN in November 2019.
14. To the best of Plaintiff's knowledge, Plaintiff began using talcum in powder products on or about the following date: 1972 and continued the use of talcum powder products through about the following date: 2018.
15. The Plaintiff purchased talcum powder products in the following State: Tennessee.
16. Plaintiff used the following talcum powder products:

      X       Johnson & Johnson's Baby Powder  
               Shower to Shower

**CAUSES OF ACTION**

17. Plaintiff hereby adopts and incorporates by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff:

Count I: Products Liability – Strict Liability – Failure to Warn  
(Against Imerys Talc)

Count II: Products Liability – Strict Liability – Failure to Warn  
(Against the Johnson & Johnson Defendants)

Count III: Products Liability – Strict Liability – Defective Manufacturer  
and Design (Against Imerys Talc)

Count IV: Products Liability – Strict Liability – Defective  
Manufacturer and Design (Against the Johnson &  
Johnson Defendants)

Count V: Breach of Express Warranties (Against the Johnson  
& Johnson Defendants)

Count VI: Breach of Implied Warranty of Merchantability (Against the  
Johnson & Johnson Defendants)

Count VII: Breach of Implied Warranty of Fitness for a Particular  
Purpose (Against the Johnson & Johnson Defendants)

Count VIII: Negligence (Against Imerys Talc)

Count IX: Negligence (Against the Johnson & Johnson Defendants)

Count X: Negligence (Against PCPC)

Count XI: Negligent Misrepresentation (Against the Johnson & Johnson  
Defendants)

Count XII: Fraud (Against the Johnson & Johnson Defendants)

Count XIII: Fraud (Against PCPC)

Count XIV: Violation of State Consumer Protection Laws of the State of  
Louisiana (Against the Johnson & Johnson Defendants).

Count XV: Fraudulent Concealment (Against Imerys Talc)

Count XVI: Fraudulent Concealment (Against the Johnson & Johnson  
Defendants)

Count XVII: Fraudulent Concealment (Against PCPC)

Count XVIII: Civil Conspiracy (Against All Defendants)

Count XIX: Loss of Consortium (Against All Defendants)

Count XX: Punitive Damages (Against All Defendants)

Count XXI: Discovery Rule and Tolling (Against All Defendants)

Furthermore, Plaintiff asserts the following additional theories and/or State Causes of Action against Defendants identified in Paragraph nine (9) above. If Plaintiff includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff in a manner complying with the requirements the Federal Rules of Civil Procedure.

**WHEREFORE**, Plaintiffs prays for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury as to all claims in this action.

Dated: April 12, 2021

Respectfully Submitted by,

By: /s/ Daniel J. Thornburgh  
Daniel J. Thornburgh  
Aylstock, Witkin, Kreis, & Overholtz  
17 East Main Street, Suite 200  
Pensacola, FL 32502  
Telephone: 850-202-1010  
Fax: 850-916-7449  
dthornburgh@awkolaw.com

*Attorney for Plaintiff*